



# **STREET FOOD VENDORS AND THEIR FLICKERING RIGHT TO LIVELIHOOD**

Ayush Gupta\*

## **ABSTRACT**

Street Food Vendors are ubiquitous in developing countries offering quick, cheap food, and drinks. They also serve the purpose of employment and socialization. Globally these artisanal businesses provide food to approximately 2.5 billion people. The Constitution of India provides all citizens with a fundamental right under Article 21 of the right to life and liberty which is extended towards the right to livelihood. It provides any individual to live life with dignity and adequate means of food, shelter, occupation, etc. Needless to say, the outbreak of COVID- 19 has augmented the situation by flickering their rights to livelihood. Every food vendor has been seated at home without earning a penny. Their journey through this pandemic is worsened by every passing day. Consumption of outside food will not be the same after the lockdown has been lifted. NASVI along with FSSAI came up with few decisions to train these vendors for the revival of their business after the culmination of the lockdown. The Street Vendors (Protection and regulation for Street Vendors) Act was enacted in 2014 to protect their rights. The act primarily deals with the rights duties of these vendors and the town committee which are set up to come up with the action plans every five years also doing proper surveys every five years. This committee needs to work on the regulations for the current situation before these vendors reach the edge. Access to their livelihood is these vending stalls, trucks, etc. and anything which hinders or infringes their right is punished under the act and their rights are protected so that being low-income class group, these people are not exploited. Protection of their rights has become a mockery for the others.

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\* Student, Kirti P. Mehta School of Law, NMIMS, Mumbai.

## **INTRODUCTION**

In developing countries, many cities and towns have a large source of employment as street food vendors. The street food is prepared on the streets, or at home and is consumed there without any further preparation. Living in a country like India, people skip their meals to have street food as the essence of the unique flavors is appreciated and also plays a role in the cultural and social heritage of the societies. It has become a source of affordable nutrients to the majority of the people especially the low-income group. Vadapav is a source of a meal for some while dosas for the others. All the late-night cravings for maggi and panipuri are satisfied through these street vendors to work hard to earn their living while bringing smiles to others.

With the outbreak of the COVID -19, the culture of the street food will not be the same and thus the vendors will suffer their living. The main occupation of these people was street food vending therefore they suffer a huge loss. These vendors from the past two and a half months have no income and have had a hard time. Article 21 of the Constitution of India provides a fundamental right of Right to Livelihood.<sup>1</sup> Livelihood includes basic education, food, occupation, shelter, and medical care facilities. The situation has infringed as they have to shut their food stalls due to the country lockdown and their survival now has become a big question mark! These vendors live according to their daily earnings which now have been pretentious. Even before the vendors could cope with cholera related victims,<sup>2</sup> the formal sector was being advised to 'work from home' and this resulted in the loss of livelihood for most informal sector workers.

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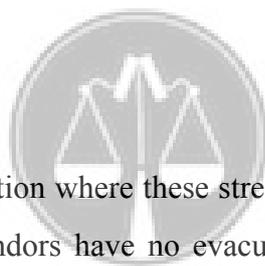
<sup>1</sup> India Const. Art. 21.

<sup>2</sup> Puja Guha, Can Bengaluru's street food vendors tide over COVID-19 lockdown?, Citizen Matters (April 2, 2020), <https://bengaluru.citizenmatters.in/bengaluru-covid-lockdown-street-food-vendors-impact-cholera- eviction-street-vending-act-43897>.

## **HISTORY**

Looking at the history, the occupation of food street vending started a long time ago, and the fact that the numbers have been increasing since in cities like Mumbai, Delhi, Jaipur, Calcutta, Ahmadabad, etc. with almost 867426 registered vendors and many more unregistered vendors as 637 streets vendor's organization across India.<sup>3</sup> It provides a great level of employment and has become an indispensable part of urban life and urban diet. Besides they are economies to developing countries contributing 2% of the population of the metropolis<sup>4</sup>. Since this was a great medium of employment now it has been latched. Many places, these vendors torment harassment by the higher authorities or rich brats. Sometimes they have to move their trucks to different places, sometimes they are not paid for the food sold, the goods, goods were confiscated, etc.<sup>5</sup> Article 39(A) of the Constitution of India states that the citizens of India have the right to adequate means of livelihood.<sup>6</sup>

## **CONTEMPORARY SITUATION**



The pandemic has worsened the situation where these street vendor's jobs are at the edge. In such times of vulnerability, most vendors have no evacuation option. If these breakdowns come across again and again to their livelihood it would exhaust their meager resources, weaken their ability to cope and recover from the trauma and increase their precarity. They have to establish their business with new sets of norms as people will have all together with a different approach towards the consumption of outside food. The National Association of Street Vendors of India (NASVI) has decided to give training to these vendors while selling food. This training accompanied by the guidelines issued by the Food Safety and Standards Authority of India (FSSAI).<sup>7</sup> The head of NASVI states that these vendors have to adopt the new norm to earn their livelihood. Section 3 of Street Vendors Act, 2014 states that the town vending committee must assure that the surveys for the number of these vendors are taken in

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<sup>3</sup> National Association of Street Vendors of India (NASVI), (Jun 2, 2020), <http://nasvinet.org/newsite/>.

<sup>4</sup> Bhowmik SK, *Street vendors in Asia: a review*, Econ Political Wkly, 2257–2264 (2005, May 28–June 4).

<sup>5</sup> Sharmila Rane, *Street Vended Food in Developing World: Hazard Analyses*, NCBI (Jan. 26, 2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3209856/>.

<sup>6</sup> India Const. Art. 39(A).

<sup>7</sup> Food Safety and Standards Authority of India, (Jun 1, 2020), <https://www.fssai.gov.in/>.

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every five years.<sup>8</sup> There were no recent surveys taken, therefore we do not have the exact count of these vendors and thus government should not forget such big chunk of the society.<sup>9</sup> According to the reports and the news, these people are waiting for the lockdown to uplift so that they can go back to work and earn money for their families.<sup>10</sup> It has become exigent to revive their business as people have become more conscious while food chain restaurants are offering home deliveries which certainly are not the case with these vendors and thus their livelihood is in danger. Under the Street Vendors (Protection of Livelihood and Regulation of the Street Vending) Act, 2014, these vendors should be benefitted by this legislation but their rights flickered as no specific regulations were released during the time of the pandemic and protection of livelihood of these vendors are at stake. Section 21 of the Act says that after every 5 years there must be a plan to promote the vocation of these street vendors and the committee remains inactive at the time most needed. The dysfunctional implementation of the Act, these street food vendors are getting deprived of these benefits as they are not formally recognized by the state.

Since there no epilogue of the pandemic, the Government should set up a committee to take care of especially the street food vendors, where the forms for the registration should be released to know the exact figure. They should employ these people to prepare food for the quarantine centers so that they do not lose hope for their living. Emphasizing the increasing number of cases, the Government should some kind of monetary relief to these vendors so that they do not die of hunger and starvation or any of the basic needs. NASVI herein forth is going to give training to these vendors to ensure that they follow every safety measure and also the vending zones will be created to revive their business.<sup>11</sup> Though these are just in paper till now, they must implement them soon. The government is supplying free food grains through the ration cards to low-income class groups so that they can help them survive the strenuous days. Following this, they have also announced loan up to 10,000 to the street

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<sup>8</sup> Street Vendors (Protection of Livelihood and Regulation of the Street Vending) Act, 2014, Act No. 7 of 2014, Section 3.

<sup>9</sup> Registration of Street Food Vendors, National Association of Street Vendors of India NASVI, <http://nasvinet.org/newsite/registration-of-street-food-vendors/>.

<sup>10</sup> Richa Chitlangia, Street food vendors to be trained in hygiene, social distancing, Hindustan Times (May 12, 2020, 03:28 PM), <https://www.hindustantimes.com/delhi-news/street-food-vendors-to-be-trained-in-hygiene-social-distancing/story-v1W5XZfuzFLSHKXAFxJyCP.html>.

<sup>11</sup> Street Food Advocacy, National Association of Street Vendors of India NASVI, <http://nasvinet.org/newsite/street-food-advocacy/>.

vendors under the 20 Lakh Crore package for the livelihood.<sup>12</sup> The question arises is, whether this policy will work in favor of the street food vendors? Will these people genuinely get the financial support or is there again a loophole that awaits this scheme too! Since no committee will work for the ground reality, these questions will never be answered. These vendors are primarily involved in the informal sector and might be inevitably being left out. These vendors in general take loans from the non- institutional sectors as their business runs over the turnover basis. These loans are often granted at a higher rate of interest. These loans by the government of 10,000 will lower down the burden of paying the interest. The utmost concern while providing them the relief is some vendors are not registered under street vendors act and if the government did not foresee this and did not take any step for the same they all will be left out from the monetary help of 10000. This monetary help of 10000 may give a hand in some consumption soothing but may not rebuild their livelihood. There should be no one deprived of their right to livelihood during this pandemic.<sup>13</sup> It's time to join hands and come out of this pandemic together this will help these vendors revive their vendors.

## **CONCLUSION**

Last but not the least; the lockdown could not have been avoided, but the fact that these vendors cannot withstand the effect of the same. Street food vendors contribute largely in the informal sector and are growing at a fleeting rate where their whole life depends upon the trucks or stalls they put for the day to day living cannot be neglected. They form a large part of the society and along with serving food at economical prices; they pitch to a large number of tourists by enriching the social and cultural heritage. COVID-19 has made situations onerous but we all have come together a long way to stand and fight it. Even after the lockdown is lifted, it will be a stumbling block for them to restore as people will be under the COVID 19 effect. The combination of the cholera evictions and COVID-19 have created much of the negative publicity about street food deal a dreadful blow which was a meal for some and livelihood option for many. These people who suffer each and every day fighting with the pandemic have to deal with another scuffle of survival as they earn on daily basis

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<sup>12</sup> Government of India, Ministry of Finance, <https://finmin.nic.in/>.

<sup>13</sup> Smarika Azad, Article 21: Right to Life and Livelihood, Lawlex.org (July 04, 2013), <https://lawlex.org/lex-bulletin/article-21-right-to-life-livelihood/3631>.

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and at this point, they are sitting at home for more than two months without earning a single penny. There are legislations for the protection of these vendors, also declarations have been made for their training, etc. but it has become the need of the hour to bring every talk into effect.

Now what's important is the fact that the Government has to go liberal on them by not collecting the street vendor registration fees. In addition to this, they should be allowed to carry on with their business all around the week rather than on selective days as they have already suffered during a complete lockdown. This will give them an upper hand for survival. Since NASVI has said that there will be vending zones created for these people so that social distancing is followed, they must be allowed all seven days. New initiatives should be brought on to promote street food eventually all these efforts will help small street vendors to earn their living like the way they used to earn earlier.

